IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Civil Writ Petition No. 14995 of 2004

DATE OF DECISION: MARCH 20, 2007.

Makhan Singh and others .....Petitioners

versus

Superintending Canal Officer, Sirhind Canal Circle, Ludhiana and others

.....respondents

CORAM:- HON'BLE MR.JUSTICE JASBIR SINGH
HON'BLE MRS.JUSTICE NIRMAL YADAV

Present: Mr.B.S. Bhalla, Advocate for the petitioners
Mr.S.S. Randhawa, AAG, Punjab
Mr.P.S. Brar, Advocate for respondents No.3 to 5

..

ORDER:

Dispute in this writ petition pertains to sanctioning of new water course, to irrigate land of the private respondents. The competent authority, after spot inspection, sanctioned the water course 'A B-1'. The water course was sanctioned against compensation. While passing that order, it was observed thus:-

> "Present Mogha which is in running condition. New Mogha after being sanctioned is at the spot. For the irrigation of some area share holders of Mogha started water courses (Khal) with consent and rest of the area has been irrigated by the water courses (Khals) of old

Mogha. Both the parties made separate applications and demanded for sanction of water courses (Khals) as per their demands. But after going through, undersigned on 12.02.03 after spot inspection for favouring the better irrigation water course (Khal) A B-1 which was demanded by Sh. Jugraj Singh, Gurmail Singh s/o Mangal Singh, is taken to be correct for sanctioning as water course (Khal) A B has already started in the area of Shamsher Singh. Sh. Nirmal Singh and Shamsher Singh have agreed to give water course C, D but Makhan Singh, etc. have refused to allow the water course B, C from their land. After this water courses (Khals) are in running condition. Jiledar Cheedan and Sub Divisional Officer, Gholia, also recommended the sanctioning of these water courses (Khals) in the favour of irrigation.

Notices have been served as per law.

After taking into consideration the above stated facts under Indian Canal and Drainage Act 8 Of 1873 amendment Act 23-1965 under Section 30-B(2), A B water course (Khal) to the east side of Khasra No.49-M/6 have been started. The water course (Khal) D C of one karam width is sanctioned in Khasra No.49-M/5, 29-M/25 in the area of Makhan Singh, etc. and another water course (Khal) C D in Khasra No.29-M/16-25 is sanctioned in the area of Nirmal Singh, Shamsher Singh on the western side of the road."

The petitioners failed in appeal.

We have gone through the site plan and the order passed and feel that the water course has been sanctioned in the interest of better irrigation. The spot was inspected and it was felt that water course 'A B-1' is the only available source through which private respondents can get water.

No case is made out for interference.

Dismissed.

(JASBIR SINGH)
JUDGE

March 20, 2007
pc

(NIRMAL YADAV)
JUDGE